Application of: Timothy A. Johnson
Serial No.: 10/629,855
Filed: July 30, 2003
Reply to Office Action of March 6, 2007

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1-12 are currently pending in the application. Claims 1-3 have been amended to make explicit the scope of protection that would have already been understood by their originally filed counterparts. Claims 4-12 have been added to claim aspects of the invention that have not previously been separately claimed. Claims 4 and 5 are supported in the original specification, e.g., at paragraphs [0028] and [0029]. Claim 6 is likewise supported, for example, by Fig. 3 and its discussion in paragraph [0035]. Claims 7-12 also are supported by claims 1-6 and by paragraph [0036]. Thus, no new matter has been added.

In the outstanding Office Action, claims 1-3 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,855,825 (hereinafter "the '825 patent"). Applicant respectfully traverses this rejection.

Claim 1 recites:

> b. testing:
>
> > (i) whether a frame change in pixel value for any one of the pixels in the current block exceeds a first threshold, and
>
> > (ii) whether a second threshold number of pixels in the current block changed in pixel value by at least a third threshold, wherein the second threshold is at least two, and
>
> c. if the test of either step b.i. or step b.ii. is true, then communicating information identifying the pixel values within the block.

Such a two-part test is not taught by the '825 patent. While the '825 patent may calculate a change in a pixel's value between frames as part of its aggregating process, it does not test (as in test b.i) whether the change for that pixel (or any other individual pixel) between frames exceeds

a first threshold. Instead, the '825 patent aggregates the sum of a power of the differences between a pixel's current value and its value in a previous frame. As a result, after the aggregation and at the time of the threshold comparison, the '825 patent cannot tell the effect of any single pixel as opposed to changes in multiple pixels.

The '825 patent also does not teach the second test (i.e., the test of b.ii.). Because the '825 patent performs its test after the aggregation process is complete, it cannot tell the difference between (1) a second threshold number of pixels changing by more than a third threshold (e.g., 10 pixels changing by at least 10 each) and (2) more than a second threshold number of pixels changing by less than a third threshold (e.g., 13 pixels changing by 8 each, none of which are larger than the threshold of 10).
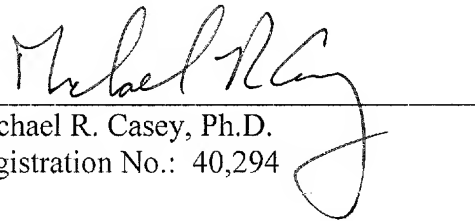
It is also respectfully noted that the Office Action appears to be misinterpreting the teachings of the '825 patent as it relates to the value N_c. N_c corresponds to the number of picture areas which can be transmitted in successive frames, as discussed in the Office Action, but that does not mean that it teaches determining the number of pixels in a block that have changed by more than third threshold. Thus, it appears that the Office Action is confusing the number of blocks changing per frame with the number of pixels changing per block.

Thus, the '825 patent does not anticipate claim 1 and its dependent claims. Also, claims 7-12 are patentable for reasons analogous to the reasons set forth for the patentability of claims 1-6 above. Therefore, all the pending claims are believed to be patentable over the applied reference.

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In light of the above discussions, the outstanding grounds for rejection are believed to have been overcome and the application is believed to be in condition for allowance.

Respectfully submitted,
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